

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Tyrone Hurt,

Plaintiff

v.

The United States of America,

Defendant

2:16-cv-00132-JAD-NJK

**Order Adopting Report and
Recommendation, Denying Motion for Leave
to Proceed *In Forma Pauperis* on Appeal, and
Dismissing and Closing Case**

[ECF No. 5]

After Tyrone Hurt filed an illegible complaint in violation of this district's local rules,¹ Magistrate Judge Koppe dismissed his complaint without prejudice and ordered him to file a legible complaint by March 3, 2016.² Magistrate Judge Koppe's order explicitly warned Hurt that failure to comply with her order would result in a dismissal recommendation.³ Hurt then submitted two applications to proceed *in forma pauperis* but did not file an amended complaint.⁴ The magistrate judge granted Hurt IFP status but recommends dismissal because there is no operative complaint in this case and Hurt failed to comply with her previous order.⁵

Hurt appealed Magistrate Judge Koppe's report and recommendation to the Ninth Circuit Court of appeals,⁶ which promptly dismissed the appeal for lack of jurisdiction.⁷ But he filed no objection to the magistrate judge's report and recommendation that I dismiss his case, nor did he

¹ L.R. 10-1

² ECF No. 2.

³ *Id.* at 2.

⁴ ECF Nos. 3, 4.

⁵ ECF No. 5.

⁶ ECF No. 7 (notice of appeal).

⁷ ECF No. 9 (USCA order), ECF No. 11 (order on mandate).

1 request an extension of time to do so. “[N]o review is required of a magistrate judge’s report and
2 recommendation unless objections are filed.”⁸ I therefore adopt Magistrate Judge Koppe’s report
3 and recommendation in its entirety and dismiss this case without prejudice.

4 **Conclusion**

5 Accordingly, IT IS HEREBY ORDERED, that Magistrate Judge Koppe’s **report and**
6 **recommendation [ECF No. 5] is ADOPTED. This case is dismissed without prejudice.**

7 The Clerk of Court is directed to CLOSE THIS CASE.

8 Dated this 27th day of May, 2016.

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10 Jennifer A. Dorsey
11 United States District Judge
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28 ⁸ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).